

SCOTTSDALE

CITY COUNCIL MEETING

AGENDA ***ITEM 18 AMENDED



COUNCIL

Mary Manross, Mayor

Wayne Ecton

Robert W. Littlefield

Cynthia Lukas

Ned O'Hearn

David Ortega

Tom Silverman

Monday, May 19, 2003

4:00 P.M. – 4:12 P.M.

City Council Special Meeting to Call Executive Session

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Blvd.

Roll Call

1. **Request:** Motion to recess into executive session, if needed after staff presentation, regarding acquisition of a portion of the following property for inclusion into the McDowell Sonoran Preserve: 780 acres of land located between Bell Road and Union Hills Road, at approximately 104th Street.
Staff Contact: Ed Gawf, Deputy city manager, 480-312-4510, egawf@scottsdaleaz.gov

2. MOTION TO RECESS INTO EXECUTIVE SESSION, FOR DISCUSSION OR CONSULTATION FOR LEGAL ADVICE AND TO CONSIDER THE CITY'S POSITION AND INSTRUCT ITS REPRESENTATIVES AND ATTORNEY(S) REGARDING CONTRACT AND OTHER NEGOTIATIONS TO ACQUIRE A PORTION OF THE FOLLOWING PARCEL FOR INCLUSION IN THE MCDOWELL SONORAN PRESERVE: 780 acres of land located between Bell Road and Union Hills Road, at approximately 104th Street. ARS 38-431.03(A)(3), (A)(4) and ((A)(7).
Staff Contact: Ed Gawf, Deputy City Manager, 480-312-4510, egawf@scottsdaleaz.gov

Adjourn

City Council Executive Session

Immediately Following 4:00 P.M. City Council Special Meeting

Call to Order – City Hall Kiva Conference Room

1. MOTION TO RECESS INTO EXECUTIVE SESSION, FOR DISCUSSION OR CONSULTATION FOR LEGAL ADVICE AND TO CONSIDER THE CITY'S POSITION AND INSTRUCT ITS REPRESENTATIVES AND ATTORNEY(S) REGARDING CONTRACT AND OTHER NEGOTIATIONS TO ACQUIRE A PORTION OF THE FOLLOWING PARCEL FOR INCLUSION IN THE MCDOWELL SONORAN PRESERVE: 780 acres of land located between Bell Road and Union Hills Road, at approximately 104th Street. ARS 38-431.03(A)(3), (A)(4) and ((A)(7).
Staff Contact: Ed Gawf, Deputy City Manager, 480-312-4510, egawf@scottsdaleaz.gov

Adjourn

5:00 P.M.
CITY COUNCIL MEETING

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard – **5:07 P.M.**

Roll Call – **ALL PRESENT**

Pledge of Allegiance

Invocation

Public Comment

Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening's meeting. Please check the box that refers to "public comment." This "Public Comment" time is reserved for citizen comments regarding non-agendized items. No official Council action can be taken on these items.

Minutes – **OK-7/0**

SPECIAL MEETINGS

REGULAR MEETINGS

May 6, 2003

EXECUTIVE SESSIONS

April 15, 2003

CONSENT AGENDA **ITEMS 1 - 15**

1. Fusion Restaurant & Lounge Liquor License – OK-7/0

Request: To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a permanent extension of premises for an existing restaurant location. This extension will add a 144 sq. ft. patio to the licensed premises of the establishment.

Location: 4441 N Buckboard Tr

Reference: 11-EX-2003

Staff Contact(s): Jeff Fisher, Plan and Permit Services Interim Director, 480-312-7619,
jefisher@ScottsdaleAZ.gov

2. Danny's General Store Liquor License – OK-6/1 (WE)

Request: To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 09 (liquor store) State liquor license for an existing liquor store located within a grocery store.

Location: 8711 E Pinnacle Peak Rd

Reference: 18-LL-2003

Staff Contact(s): Jeff Fisher, Plan and Permit Services Interim Director, 480-312-7619,
jefisher@ScottsdaleAZ.gov

3. Danny's General Store Liquor License – OK-6/1 (WE)

Request: To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 07 (beer/wine bar) State liquor license for an existing café located within a grocery store.

Location: 8711 E Pinnacle Peak Rd

Reference: 19-LL-2003

Staff Contact(s): Jeff Fisher, Plan and Permit Services Interim Director, 480-312-7619, jefisher@ScottsdaleAZ.gov

4. Thai Pan Fresh Exotic Cuisine Liquor License – OK-C

Request: To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) State liquor license for an existing restaurant location.

Location: 7605 E Pinnacle Peak Rd

Reference: 20-LL-2003

Staff Contact(s): Jeff Fisher, Plan and Permit Services Interim Director, 480-312-7619, jefisher@ScottsdaleAZ.gov

5. Samurai Sams Teriyaki Grill Liquor License – OK-C

Request: To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) State liquor license for an existing restaurant location.

Location: 7366 E Shea Bl

Reference: 21-LL-2003

Staff Contact(s): Jeff Fisher, Plan and Permit Services Interim Director, 480-312-7619, jefisher@ScottsdaleAZ.gov

6. Copa Room Liquor License OK-C

Request: To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) State liquor license for an existing restaurant location.

Location: 15445 N Scottsdale Rd

Reference: 22-LL-2003

Staff Contact(s): Jeff Fisher, Plan and Permit Services Interim Director, 480-312-7619, jefisher@ScottsdaleAZ.gov

7. The Billet Bar Liquor License – LL OK, EXT CONT. -- OK-6/0 (DO/COI-ARS 38-501)

Request: To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for an extension of premises and the probate/will assignment of a series 6 (bar) State liquor license.

Location: 3752 N Scottsdale Rd

Reference: 27-LL-2003 & 18-EX-2003

Staff Contact(s): Jeff Fisher, Plan and Permit Services Interim Director, 480-312-7619, jefisher@ScottsdaleAZ.gov

8. Kit Cat Lounge Liquor License – OK-5/2 (WE/O'H)

Request: To consider forwarding an approval recommendation to the Arizona Department of Liquor Licenses and Control for a person and location transfer for a series 6 (bar) State liquor license for a new bar location.

Location: 4426 N Saddlebag Tr

Reference: 8-LL-2003

Staff Contact(s): Jeff Fisher, Plan and Permit Services Interim Director, 480-312-7619, jefisher@ScottsdaleAZ.gov

9. Mirage Of Scottsdale- Parcel G/Sierra Hills 2 – OK-7/0

Request: Approve a final plat for a 32-lot single-family subdivision on a parcel of approximately 40 acres.

Location: E Via Linda Rd/136th (se)

Reference: 9-PP-2002 & 11-PP-2002

Staff Contact(s): Kira Wauwie AICP, Project Coordination Manager, 480-312-7061, kwauwie@ScottsdaleAZ.gov

10. Fairmont Scottsdale Princess Expansion -- OK-C

Request:

1. To rezone 34+/- acres from Planned Community District (PCD) with Commercial Office (CO) comparable uses to a Planned Community District (PCD) with Central Business (C-2) comparable uses, with amended standards and amend the development plan for the Princess Resort, for property located near the southeast corner of Scottsdale Road and Princess Boulevard.
2. Adopt Ordinance No. 3504 affirming the above rezoning and amended standards.

Location: East of the Southeast corner of Scottsdale Rd & Princess Blvd

Reference: 1-ZN-2003

Staff Contact(s): Tim Curtis, Project Coordination Manager, 480-312-4210, tcurtis@ScottsdaleAZ.gov

11. Authorize Contract Modification for Insurance Agent/Broker Services -- OK-7/0

Request: Adopt Resolution No. 6284 authorizing Contract Modification No. 2002-022-COS-A with the firm of Marsh USA, Inc. for insurance agent/broker services.

Related Policies, References: This contract extension allows Risk Management to continue to secure expertise of insurance agent/broker services to assist in planning an arranging the City's property-casualty program that renews July 1 of each year, including the services of program design, accessing the worldwide insurance market, identifying potential insurers, and structuring and negotiating terms and conditions of needed insurance coverage to protect City assets.

Staff Contact(s): Myron J. Kuklok, Risk Management Director, (480) 312-7841, Mkuklok@ScottsdaleAZ.gov

12. Authorize Continuing Legal Expenses -- OK-7/0

Request: Authorize the City's Risk Management Division to continue payments of legal fees in the defense of Guthrie v. City of Scottsdale, CIV 02-2468 PHX RCB, currently pending in the United States District Court, for an additional contract amount of \$50,000.

Related Policies, References: On February 3, 2003, the City Council authorized a contract with the law firm of Udall, Shumway & Lyons to provide specialized and expert legal services relating to litigation. The City Council directed that expenditures for attorney's fees in excess of \$50,000 should return for the City Council's review and approval.

Staff Contact(s): David Pennartz, (480) 312-2405, dpennartz@scottsdaleaz.gov; Myron Kuklok, (480) 312-7841, Mkuklok@ScottsdaleAZ.gov; Michael Mason, (480) 312-7040, mmason@scottsdaleaz.gov

13. Construction Bid Award for Fire Station #12 Located at the Scottsdale Airport -- OK-7/0

Request: Construction Bid Award No 03PB094 to G.R. Walton General Contractors, Inc., the lowest responsive bidder, at their lump sum base bid of \$807,500.00.

Related Policies, References:

- The design and construction of these facilities will move the City toward the accepted total emergency coverage that was identified in 1992 and subsequently included in the City's General Plan.
- Voters in the 2000 Bond Election approved the construction project, together with an Airport Fire Fighting and Rescue Vehicle.
- Council approved the design contract for the station on December 4, 2000.

Staff Contact(s): Dan Walsh, Project Manager, (480) 312-5248, dwalsh@ci.scottsdale.az.us

14. Phase I Construction of McDowell-Papago Streetscape -- OK-C

Request: Authorize Construction Bid Award No. 03PB098 to Landscape Professionals, Inc., the lowest responsive bidder, at their lump sum bid of \$ 53,950.00, for installation of the landscaping along McDowell Road (8100 E. Block). This is the first phase of streetscape improvements planned for this area.

Related Policies, References:

- 1991 McDowell Streetscape Guidelines
- McDowell Corridor Improvements Master Plan dated 12/12/2002
- Council approval on 02/18/2003 authorizing Architectural Services Contract No. 2003-026-COS
- DRB stipulations 39-DR-2002 and DRB approval of the design 79-SA-2003

Staff Contact(s): Al Dreska, CPM Administrator, (480) 3312-2776, adreska@scottsdaleaz.gov; Marek Urbanek, CPM Project Manager, (480) 312-2563
murbanek@scottsdaleaz.gov

15. Recreational Land Use Agreement (RLUA) amendment – OK-C

Request: Adopt Resolution No. 6279 amending contract No. 860299 between the Bureau of Reclamation (BOR) and the City of Scottsdale and contract No. 860223 between the City of Scottsdale and Scottsdale Princess Partnership to return 7.92 acres of BOR land located at Scottsdale Road and Princess Drive to the RLUA between the BOR and the City and allow for the Entry Walls and landscaping to remain with specified compensation from Scottsdale Princess Partnership.

Related references: June 10, 1985 Recreational Land Use Agreement between BOR and City of Scottsdale and the June 16, 1986 Lease Agreement between Scottsdale Princess Partnership and City of Scottsdale.

Staff Contact(s): Contact Bill Exham, Community Services General Manager, (480) 312-2377, bexham@scottsdaleaz.gov

Regular Agenda begins on the following page

16. Comprehensive Financial Policy Adoption – OK-7/0

Request: Adopt Resolution No. 6288 relating to a Comprehensive Financial Policy as formal guidelines for City financial planning and management.

Staff Contact(s): Craig Clifford, General Manager, (480) 312-2364, cclifford@ci.scottsdale.az.us

17. Public Hearing and Adoption of Rates and Fees Ordinance and Resolutions – OK-7/0

Request:

- Accept citizen comments at a public hearing regarding proposed rates and fees.
- Adopt Resolution No. 6289 and Ordinance No. 3503 amending Scottsdale Revised Code, Chapter 49, eliminating the 35% surcharge to water customers outside the City effective July 1, 2003, increasing water rates 3.0% effective November 1, 2003 and increasing wastewater rates 2.5% effective July 1, 2003.
- Adopt Resolution No. 5851 increasing fees associated with the development review process by 4% and reducing water heater replacement fee by 44% effective July 1, 2003.
- Adopt Resolution No. 6283 amending the Airport/Airpark Rates and Fees Schedule to increase the transient aircraft landing fee from \$1.00 to \$1.50/1,000 lbs. certified maximum take-off weight, and the airport hourly rate from \$38.29 to \$42.27 effective July 1, 2003.

Related Policies, References: City of Scottsdale's Comprehensive Financial Policies

Water and Sewer Rates, Scottsdale Revised Code, Chapter 49

Building and Development Fee Schedule, Scottsdale Revised Code, Chapter 46

Airport/Airpark Rates and Fees Schedule, Scottsdale Revised Code, Chapter 5

Staff Contact(s): Craig Clifford, Chief Financial Officer, (480) 312-2364, cclifford@scottsdaleaz.gov

*****18. Tentative 2003/04 Budget OK OPTION A – 5/2 (RL/DO)**

Request: To solicit public testimony on the FY 2003/04 Operating Budget and Capital Improvement Plan, and Adopt Ordinance No. 3508, the Tentative Budget estimates FY 2003/04. The City Council receives public input and adopts the Tentative Budget estimates in accordance with Arizona State Statutes and the City Charter.

Staff Contacts: Craig Clifford, Chief Financial Officer, 480-312-2364, cclifford@ScottsdaleAZ.gov; Art Rullo, Budget Director, 480-312-2435, arullo@ScottsdaleAZ.gov

Public Comment

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City Manager's Report -- NONE**Mayor and Council Items -- NONE****Adjournment of the City Council Meeting – 8:20 P.M. and Convening of:**

- DC Ranch Community Facilities District Board of Directors Meeting (Agenda Attached)
- McDowell Mountain Ranch Community Facilities District Board of Directors Meeting (Agenda Attached)
- Scottsdale Mountain Community Facilities District Board of Directors Meeting (Agenda Attached)
- Via Linda Road Community Facilities District Board of Directors Meeting (Agenda Attached)

**NOTICE OF PUBLIC MEETING OF THE
BOARD OF DIRECTORS OF
DC RANCH COMMUNITY FACILITIES DISTRICT
OF SCOTTSDALE, ARIZONA**

Pursuant to A.R.S. Section 38-431.02, notice is hereby given to the general public that a special meeting of the DC Ranch Community Facilities District of Scottsdale, Arizona, open to the public, will be held on Monday, May 19, 2003 at 5:00 p.m. immediately following the meeting of the Scottsdale City Council in the City Council Chambers of the City of Scottsdale, Arizona, located at 3939 Drinkwater Boulevard, Scottsdale, Arizona, 85251, telephone number (480) 312-2412.

The agenda for the meeting is as follows:

1. Call to Order -- **8:24 P.M.**
2. Approval of Minutes of February 3, 2003 -- **OK-7/0**
3. Call for Public Comments -- **NONE**
4. Adopt Resolution No. 17 -- **OK-7/0**
5. Adjournment -- **8:25 P.M.**

Dated: May 19, 2003

**NOTICE OF PUBLIC MEETING OF THE
BOARD OF DIRECTORS OF
MCDOWELL MOUNTAIN RANCH
COMMUNITY FACILITIES DISTRICT
OF SCOTTSDALE, ARIZONA**

Pursuant to A.R.S. Section 38-431.02, notice is hereby given to the general public that a special meeting of the McDowell Mountain Ranch Community Facilities District of Scottsdale, Arizona, open to the public, will be held on Monday, May 19, 2003 at 5:00 p.m. immediately following the meeting of the Scottsdale City Council in the City Council Chambers of the City of Scottsdale, Arizona, located at 3939 Civic Center Boulevard, Scottsdale, Arizona, 85251, telephone number (480) 312-2412.

The agenda for the meeting is as follows:

1. Call to Order – **8:25 P.M.**
2. Approval of Minutes of June 17, 2002 – **OK-7/0**
3. Call for Public Comments -- **NONE**
4. Adopt Resolution No. 29 – **OK-7/0**
5. Adjournment **8:26 P.M.**

Dated: May 19, 2003

**NOTICE OF PUBLIC MEETING OF THE
BOARD OF DIRECTORS OF
SCOTTSDALE MOUNTAIN
COMMUNITY FACILITIES DISTRICT
OF SCOTTSDALE, ARIZONA**

Pursuant to A.R.S. Section 38-431.02, notice is hereby given to the general public that a special meeting of the Scottsdale Mountain Community Facilities District of Scottsdale, Arizona, open to the public, will be held on Monday, May 19, 2003 at 5:00 p.m. immediately following the meeting of the Scottsdale City Council in the City Council Chambers of the City of Scottsdale, Arizona, located at 3939 Drinkwater Boulevard, Scottsdale, Arizona, 85251, telephone number (480) 312-2412.

The agenda for the meeting is as follows:

1. Call to Order – **8:26 P.M.**
2. Approval of Minutes of June 17, 2002 – **OK-7/0**
3. Call for Public Comments -- **NONE**
4. Adopt Resolution No. 32 – **OK-7/0**
5. Adjournment – **8:27 P.M.**

Dated: May 19, 2003

**NOTICE OF PUBLIC MEETING OF THE
BOARD OF DIRECTORS OF
VIA LINDA ROAD COMMUNITY FACILITIES DISTRICT
OF SCOTTSDALE, ARIZONA**

Pursuant to A.R.S. Section 38-431.02, notice is hereby given to the general public that a special meeting of the Via Linda Road Community Facilities District of Scottsdale, Arizona, open to the public, will be held on Monday, May 19, 2003 at 5:00 p.m. immediately following the meeting of the Scottsdale City Council in the City Council Chambers of the City of Scottsdale, Arizona, located at 3939 Drinkwater Boulevard, Scottsdale, Arizona, 85251, telephone number (480) 312-2412.

The agenda for the meeting is as follows:

1. Call to Order – **8:27 P.M.**
2. Approval of Minutes of June 17, 2002 – **OK-7/0**
3. Call for Public Comments -- **NONE**
4. Adopt Resolution No. 13 – **OK-7/0**
5. Adjournment – **8:28 P.M.**

Dated: May 19, 2003